

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 13644 of 2004

Between:

Sri rama Yuvajana Seva Sangham, Chinna Nadupuru, rep.by its Secretary,
Indala Eshwara Rao, R/o.Chinna Nadupuru,
Visakhapatnam-44.

..... PETITIONER

AND

- 1 The District Collector, Visakhapatnam District.
- 2 Revenue Divisional officer, Visakhapatnam.
- 3 M.R.O.,Pedagantyada Mandal, Visakhapatnam Dist.
- 4 Special officer, Land Acquisition, Steel Plant,
Visakhapatnam.
- 5 The Gajuwaka Municipality, rep.by its Municipal
Commissioner, Visakhapatnam Dist.
- 6 Yelamanchili Appala Raju, S/o.Appala Naidu,
D.No.25-3-222, Chinna Nadupuru,
Pedagantyada RHC., Visk.Dist.
- 7 Yelamanchili Simhachalam, S/o.Appala Naidu,
D.No.25-3-222, Chinna Nadupuru, Pedagantyada RHC,
Visakhapatnam District.
- 8 Yelamanchili Tata Rao, S/o.Appala Naidu,
D.No.25-3-222, Chinna Nadupuru,

Pedagantyada RHC., Visakhapatnam District.
9 Panchadarla Pentamma @ Viyyapu Penntamma,
W/o.Simhachalam; D/o.Nagaraju,
D.No.25-3-236, Chinna Nadupuru, Pedagantyada Mdl.,
Visakhapatnam.

10 Botta Appala Naidu, S/o.Ganga Raju,
Botta Vani Palem, H/o.Appikarda,
Vadlapudi ORH Colony, Visakhapatnam-46.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the Respondents 1 to 5 in not demolishing the unauthorized and illegal construction of compound wall, a temporary shed and a bore well raised by the respondents 6 to 10 in the Government property in an extent about 200 sq. yds in Sy.No.16/15AB in Chinnanadukuru Village, H/o. Gollalapalem, Pedagantyada Mandal Visakhapatnam District, in spite of the matter being published in "Eenadu daily of 20th June, 2004" also representation made by the dated 28-06-2004 and 12-07-2004 as illegal, arbitrary capricious and unjust and consequently to direct the respondents 1 to 5 to take immediate steps for protecting the Government property by removing the unauthorized compound wall raised by the said Government Land with in the time fixed by this Hon'ble court.

Counsel for the Petitioner:SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondents 1 to 4: G.P. for Revenue.

Counsel for the respondents 5 to 10 : None appeared.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. Rama Yuvajana Seva Sangham, Chinna Nadupuru, represented by Indala Eshwara Rao, its Secretary, has filed this petition purporting to be in public interest seeking direction against respondents 1 to 5 to ensure protection of Government property to the extent of 200 square yards in Sy.No.16/15AB in Chinnanadukuru Village, H/o Gollalapalem, Pedagantyada Mandal, Visakhapatnam District.

2. There are number of allegations made in the petition primarily based upon the report alleged to have been published in Eenadu daily on 20th June, 2004. Petitioner claimed that representations were made on 28.06.2004 and 12.07.2004 bringing to the notice of respondents 1 to 5 to take immediate action in protecting Government property.

3. We had called upon the petitioner to file better affidavit. Though better affidavit has been filed today, it does not meet the requirements of supporting the petition on proper affidavit as regards allegation about the inaction on the part of the respondents.

4. However, our attention has been drawn to copy of report alleged to have been submitted by Sri A. Anjanaiah, Special Grade Deputy Collector(LP), Visakhapatnam, addressed to Collector, Visakhapatnam, reporting the result of his enquiry alleged to have been conducted on 9th, 12th, 14th, and 15th July, 2004 on the representation submitted by the petitioner with respect to grabbing of Government property. It has been reported by the Special Grade Deputy Collector that it is a case of land grabbing in connivance with the officers and middlemen and allottees. He has thus recommended a case to be filed in Special Court under the provisions of A.P. Land Grabbing (Prohibition) Act, 1982.

5. We have no manner of doubt that once the Collector, Visakhapatnam has been duly apprised by Special Grade Deputy Collector of his district as regards instances of land grabbing in connivance with the officials, the Collector will have to act promptly in taking all steps which are required to be taken in law, including taking out proceedings under A.P. Land Grabbing (Prohibition) Act, to protect the Government property.

6 . Accordingly we will dispose of this writ petition with direction to the Collector, Visakhapatnam, to have the proceedings of law geared up in taking out appropriate proceedings in accordance with law and initiate action within a period of two months from the date of receipt of a copy of writ order from this court. No costs.

DEVINDER GUPTA. C.J.,

C.V. RAMULU. J.,

Dated: 24.08.2004.

VRK.

To

- 1 The District Collector, Visakhapatnam District.
- 2 Revenue Divisional officer, Visakhapatnam.
- 3 M.R.O.,Pedagantyada Mandal, Visakhapatnam Dist.
- 4 Special officer, Land Acquisition, Steel Plant,
Visakhapatnam.
- 5 The Gajuwaka Municipality, rep.by its Municipal
Commissioner, Visakhapatnam Dist.
6. Two CCs to G.P. for Revenue, High Court of A.P.,
Hyderabad (OUT)
7. Officer concerned, Public Interest Litigation Cell, High Court Buildings,
Hyderabad.
8. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE C.V. RAMULU.**

W.P.NO. 13644 OF 2004.

**(Order of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 24.08.2004.

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